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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF SECURITY AND INVESTIGATIVE SERVICES**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

13 **ROBERT JERLOW d.b.a., ROBERT**
14 **JERLOW INVESTIGATIONS**
2942 E. Chapman Ave, #130
Orange, CA 92869

A C C U S A T I O N

15 Private Investigator No. PI 21043
16 Firearm Permit No. FQ 243424
Baton Permit No. BAT 118494

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Jeffrey Mason (Complainant) brings this Accusation solely in his official capacity as
21 the Chief of the Bureau of Security and Investigative Services, Department of Consumer Affairs.

22 2. On or about March 8, 1999, the Bureau of Security and Investigative Services issued
23 Private Investigator No. PI 21043 to Robert Jerlow doing business as Robert Jerlow
24 Investigations (Respondent). The Private Investigator was in full force and effect at all times
25 relevant to the charges brought herein and expired on September 30, 2011.

26 3. On or about September 29, 1999, the Bureau of Security and Investigative Services
27 issued Firearm Permit Number FQ 243424 to Respondent. The Firearm Permit was in full force
28 and effect at all times relevant to the charges brought herein and expired on September 30, 2011.

4. On or about December 29, 1999, the Bureau of Security and Investigative Services issued Baton Permit Number BAT 118494 to Respondent. The Baton Permit was in full force and effect at all times relevant to the charges brought herein and expired on September 30, 2011.

JURISDICTION

5. This Accusation is brought before the Bureau of Security and Investigative Services, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

6. Section 118, subdivision (b), provides that the suspension, expiration, surrender, cancellation of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 480 states, in pertinent part:

A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, "

8. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued."

1 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
2 discipline a licensee for conviction of a crime that is independent of the authority granted under
3 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
4 of the business or profession for which the licensee's license was issued.

5 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
6 conviction following a plea of nolo contendere. Any action that a board is permitted to take
7 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
8 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
9 made suspending the imposition of sentence, irrespective of a subsequent order under the
10 provisions of Section 1203.4 of the Penal Code."

11 9. Section 7538 of the Code states:

12 "After a hearing the director may deny a license unless the applicant makes a showing
13 satisfactory to the director that the applicant, if an individual, has not, or if the applicant is a
14 person other than an individual, that its manager and each of its officers have not:

15

16 "(b) Committed any act constituting dishonesty...."

17 10. Section 7561.1 of the Code states:

18 "The director may deny, suspend, or revoke a license issued under this chapter if he or she
19 determines that the licensee or his or her manager, if an individual, or if the licensee is a person
20 other than an individual, that any of its officers, directors, partners, or its manager, has:

21

22 "(b) Violated any provisions of this chapter.

23

24 "(d) Been convicted of any act or crime constituting grounds for denial of licensure under
25 Section 480...."

26 11. Section 7562 provides, in pertinent part, that the record of conviction, or a certified
27 copy thereof, shall be conclusive evidence of the conviction as that term is used in this article,
28 Section 7538, or Section 480.

1 A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to
2 be a conviction within the meaning of this article, Section 7538, or Section 480."

3 COST RECOVERY

4 12. Section 125.3, subdivision (a), provides, in pertinent part:

5 "Except as otherwise provided by law, in any order issued in resolution of a disciplinary
6 proceeding before any board within the department . . . the board may request the administrative
7 law judge to direct a licensee found to have committed a violation or violations of the licensing
8 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
9 case."

10 CONTROLLED SUBSTANCE

11 13. "Cocaine," is a Schedule II controlled substance as designated by Health and Safety
12 Code Section 11055, subdivision (b)(6) and is categorized as a dangerous drug pursuant to section
13 4022.

14 FIRST CAUSE FOR DISCIPLINE

15 (Conviction of a Substantially Related Crime)

16 14. Respondent is subject to disciplinary action under sections 490 and 7561.1,
17 subdivision (d), in that Respondent was convicted of a crime substantially related to the
18 qualifications, functions, or duties of a private investigator. On or about April 12, 2011, after
19 pleading guilty, Respondent was convicted of violating Title 21, United States Code section 843,
20 subdivision (b) [using a communication facility in facilitating a conspiracy to distribute or possess
21 with intent to distribute five kilograms or more of Cocaine] in the criminal proceeding entitled
22 *United States of America v. Robert J. Jerlow* (U.S. Dist. Ct. M.D.F., 2011, Case No. 8:08-CR-
23 340). The Court sentenced Respondent to 33 months in Federal Prison and 12 months of
24 probation upon release. The circumstances surrounding the conviction are that in or about early
25 2008 and continuing until on or about July 23, 2008, Respondent used the telephone to negotiate
26 a purchase of no less than 15 kilograms of Cocaine for \$210,000.

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1 of violating Penal Code section 476, subdivision (a) [nonsufficient checks] and one count of
2 Penal Code section 12031, subdivision (a) [carry loaded firearms in a public place] in the criminal
3 proceeding entitled *The People of the State of California v. Robert J. Jerlow* (Super. Ct. Orange
4 County, 1985, No. 85CM02753). The Court sentenced him to serve 5 days in Orange County Jail
5 and placed him on 36 months probation, with terms and conditions. The circumstances
6 underlying the conviction occurred on March 19, 1985.

7 e. On or about January 11, 1985, Respondent was convicted of one misdemeanor count
8 of violating Vehicle Code section 10852 [tampering with vehicle] in the criminal proceeding
9 entitled *The People of the State of California v. Robert Joe Jerlow* (Super. Ct. Orange County,
10 1985, No. M110106). The Court sentenced him to serve 10 days in Orange County Jail and
11 placed him on 36 months probation, with terms and conditions. The circumstances underlying
12 the conviction occurred on September 1, 1984.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Bureau of Security and Investigative Services issue a decision:

- 16 1. Revoking or suspending Private Investigator No. PI 21043, issued to Respondent;
- 17 2. Revoking or suspending Firearm Permit Number FQ 243424, issued to Respondent;
- 18 3. Revoking or suspending Baton Permit Number BAT 118494, issued to Respondent;
- 19 4. Ordering Respondent to pay the Bureau the reasonable costs of the investigation and
20 enforcement of this case, pursuant to section 125.3; and
- 21 5. Taking such other and further action as deemed necessary and proper.

22 DATED: Sept 6, 2012

23 JEFFREY MASON
24 Chief
25 Bureau of Security and Investigative Services
26 Department of Consumer Affairs
27 State of California
28 Complainant

RECEIVED

SEP 17 2012 NO FEE ENCLOSED

By: CCU

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

BSIS

12 SEP 24 AM 6:51

Case Name: Robert Jerlow

Case No.: A-2010 13023

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On September 13, 2012, I served the attached **Statement To Respondent, Accusation, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **Statement To Respondent, Accusation, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Robert Jerlow
Private Investigator
2942 E. Chapman Ave, #130
Orange, CA 92869

Certified Article Number

7196 9008 9111 4926 6540

SENDERS RECORD

Respondent

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 13, 2012, at Los Angeles, California.

S. Reyes
Declarant

S. Reyes

Signature